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**BY ECF**

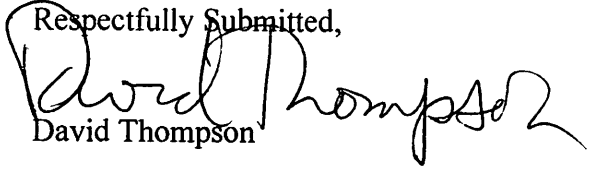
Chief Judge Loretta A. Preska  
District Court of the Southern District of New York  
500 Pearl St.  
New York, NY 10007

Re: Pluma v. The City of New York, 13-cv-2017 (LAP)

Dear Honorable Chief Judge Preska:

I apologize for burdening your Honor with this additional letter, but there are some factual inaccuracies in Mr. Lucas' letter of earlier today which I believe need clarification. At the July 14, 2015 conference in this matter, Mr. Lucas declined to accept service for the newly-added defendants, and it was agreed that instead we would mail copies of the complaint with Rule 4(d) waivers. We did this shortly afterward. First class mailings to the World Trade Center Command's correct address were returned undelivered, including those addressed to defendants Hernandez, Pons, McGuire, O'Grady, and Barbieri (each of these parties are among those who purported to join the pending motion on reply). My partner Mr. Stecklow discussed this with Mr. Lucas by phone, and personally re-delivered the waivers on August 11, 2015. Mr. Lucas' letter refers to an **October** 11<sup>th</sup> email – this email was dated **August** 11<sup>th</sup>, not October 11<sup>th</sup>. The August 11<sup>th</sup> email reflects that between July 14<sup>th</sup> and August 11<sup>th</sup>, Mr. Lucas was aware that my office was serving Rule 4(d) waivers, and that we were having trouble with postal delivery. Mr. Lucas and his clients, despite having notice of the suit, chose to insist on service. No federal rule prevented these parties from joining the motion on August 8<sup>th</sup>. Nothing done by my office prevented these parties from moving. After August 8<sup>th</sup>, had they wished to move, they could have done so in a manner consistent with the federal rules instead of the bizarre and defective manner they chose.

Respectfully Submitted,

  
David Thompson

cc: ACC Andrew Lucas, Esq.  
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